

This document was signed electronically on September 13, 2014, which may be different from its entry on the record.

IT IS SO ORDERED.

Dated: September 13, 2014



A handwritten signature in blue ink, reading "Alan M. Koschik".

ALAN M. KOSCHIK  
U.S. Bankruptcy Judge

UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF OHIO

TIMOTHY L. SANFORD	)	Chapter 13 Case No. 13-52755
SUSAN A. SANFORD	)	
	)	
Debtors.	)	JUDGE KOSCHIK
_____	)	
TIMOTHY SANFORD	)	
	)	
and	)	ADVERSARY CASE NO. 14-05067
SUSAN A. SANFORD	)	
	)	
Plaintiffs	)	<u>JUDGMENT ENTRY TO ESTABLISH</u>
vs.	)	<u>SECURED VALUE AND AVOID SECOND</u>
MORTGAGE ELECTRONIC	)	<u>MORTGAGE LIEN OF MORTGAGE</u>
REGISTRATION SYSTEMS, INC.	)	<u>ELECTRONIC REGISTRATION SYSTEMS</u>
	)	<u>AND/OR US BANK, its successor AND</u>
and	)	<u>THIRD AND FOURTH MORTGAGE LIENS</u>
RBS CITIZENS BANK	)	<u>OF RBS CITIZENS BANK</u>
	)	
and	)	
CHRISTIANA TRUST,	)	
	)	
	)	
	)	
	)	

and )  
 )  
**US BANK** )  
 )  
Defendants )  
 )

This matter came before the Court upon the Plaintiffs' Motion for Default Judgment arising from Defendants' failure to Answer or otherwise respond to Plaintiff's Complaint.

The Court finds that the Defendants were sent proper notice and served with a copy of the Summons and Plaintiffs' Complaint. The Court further finds that Defendant has failed to Answer or otherwise respond to Plaintiffs' Complaint and therefore is in default.

Accordingly, the Plaintiff's Motion for Default is to be well taken and the same shall be **GRANTED.**

**IT IS THEREFORE ORDERED** the second mortgage claim held by Mortgage Electronic Registration Systems and/or US Bank as its successor and/or other assignees, agents, transferors, successors, or servicing companies is an unsecured claim in this case. The balance of any funds owed to Mortgage Electronic Registration Systems and/or US Bank as its successor and/or other assignees, agents, transferors, successors, or servicing companies on this claim shall be disallowed and receive no distribution through the Plan as said obligation was discharged in Debtors' prior Chapter 7 proceeding and said Creditor failed to timely file a proof of claim on or before the claims bar date of January 29, 2014.

**IT IS FURTHER ORDERED** that upon successful completion of the Chapter 13 Plan payments, the second mortgage lien held by Mortgage Electronic Registration Systems and/or US Bank as its successor and/or other assignees, agents, transferors, successors, or servicing companies against the real estate property located at 5178 Donner Drive, Clinton, Ohio 44216, and more fully described in the attached Exhibit A, will be cancelled of record.

**IT IS THEREFORE ORDERED** the third and fourth mortgage claims held by RBS Citizens Bank and/or other assignees, agents, transferors, successors, or servicing companies is an unsecured claim in this case. The balance of any funds owed to RBS Citizens Bank and/or other assignees, agents, transferors, successors, or servicing companies on this claim shall be disallowed and receive no distribution through the Plan as said obligation was discharged in Debtors' prior Chapter 7 proceeding and said Creditor failed to timely file a proof of claim on or before the claims bar date of January 29, 2014.

**IT IS FURTHER ORDERED** that upon successful completion of the Chapter 13 Plan payments, the third and fourth mortgage liens held by RBS Citizens Bank as its successor and/or other assignees, agents, transferors, successors, or servicing companies against the real estate property located at 5178 Donner Drive, Clinton, Ohio 44216, and more fully described in the attached Exhibit A, will be cancelled of record.

**IT IS FURTHER ORDERED** that the Summit County, Ohio Recorder's Office and/or the Summit County Clerk of Courts is hereby directed to take a certified copy of this Order, together with a certified copy of the Debtor's discharge upon completion of the Plan, in lieu of the document normally required for cancellation of a mortgage and/or tax lien.

**IT IS SO ORDERED.**

# # #

**SUBMITTED:**

/S/ Michelle DiBartolo-Haglock  
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## **SERVICE LIST**

To the following by the Court's ECF System:

**U.S. Trustee**

**Keith L. Rucinski, Chapter 13 Trustee**

**Michelle DiBartolo-Haglock, attorney for Debtor**

And to the following by Regular US Mail:

**MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC.**

c/o Bill Beckmann, President & CEO

1818 Library Street, Suite 300

Reston, VA 20190

**RBS CITIZENS BANK**

c/o Bruce Van Saun, Chairman & CEO

1 Citizens Plaza

Providence, RI 02903

**CHRISTIANA TRUST,**

*Trustee for Stanwich Mortgage Loan Trust, Series 2012-14*

3801 Kennett Pike

Greenville, DE 19807

**US BANK**

c/o Richard Davis CEO

US Bancorp Center

800 Nicollet Mall

Minneapolis, MN 55402

